

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PABLO P. PIÑA,

Plaintiff,

v.

YSUSI, *et al.*,

Defendants.

Case No. 1:20-cv-01735-BAM (PC)

ORDER ASSIGNING DISTRICT JUDGE
JENNIFER L. THURSTON TO CASE FOR
LIMITED PURPOSE OF RULING ON
MOTION TO WITHDRAW CONSENT

(ECF No. 37)

Plaintiff Pablo P. Piña (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s first amended complaint against Defendant Ysusí for excessive force in violation of the Eighth Amendment and against Defendant J. Gonzales for retaliation in violation of the First Amendment.

Pursuant to 28 U.S.C. § 636(c)(1), the Court was informed that all parties had consented to conduct all further proceedings in this action before a U.S. Magistrate Judge, including trial and entry of judgment. (ECF No. 6 (Plaintiff’s consent); ECF No. 35 (Defendants’ consent).) On February 1, 2022, then-assigned District Judge Jennifer L. Thurston issued an order assigning this action to the undersigned for all purposes pursuant to the consent of all parties. (ECF No. 36.)

On February 18, 2022, Plaintiff filed a form indicating his intent to decline jurisdiction of a U.S. Magistrate Judge. (ECF No. 37.) The form is dated January 25, 2022, and appears to have been completed prior to the Court’s February 1, 2022 order. Although Plaintiff did not attach a

1 motion or other explanation of his form, the undersigned construes the form as a motion to
2 withdraw consent to Magistrate Judge jurisdiction. Only a District Judge may rule on a motion to
3 withdraw consent to Magistrate Judge jurisdiction. *Branch v. Umphenour*, 936 F.3d 994, 1003
4 (9th Cir. 2019).

5 Accordingly, the Clerk of the Court is HEREBY DIRECTED to reassign District Judge
6 Jennifer L. Thurston to this action for the limited purpose of the disposition of Plaintiff's motion
7 to withdraw consent to Magistrate Judge jurisdiction, (ECF No. 37).

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9 IT IS SO ORDERED.

10 Dated: February 22, 2022

11 /s/ Barbara A. McAuliffe
12 UNITED STATES MAGISTRATE JUDGE

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